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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL MAGANA MARTINEZ,

Defendant.

CASE NO. 5:23-MJ-00021-CDB

STIPULATION TO CONTINUE PRELIMINARY
HEARING AND EXCLUDE TIME

The parties stipulate as follows:

1. The complaint was filed in this district on June 1, 2023, and the defendant made his initial appearance on June 9, 2023. The Court scheduled a preliminary hearing for June 23, 2023.
2. The parties agree to continue the preliminary hearing until August 25, 2023, at 2:00 p.m., before the duty Magistrate Judge.
3. The parties agree that good cause exists for the extension because the extension is required to allow the defense reasonable time for preparation and for the government's continuing investigation of the case. The parties also agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. Finally, the parties agree that the period from June 15, 2023, through August 25, 2023, should be excluded. Fed. R. Crim. P. 5.1(d); 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

1 IT IS SO STIPULATED.

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3 Dated: June 15, 2023

PHILLIP A. TALBERT
United States Attorney

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5 /s/ Joseph Barton

Joseph Barton
Assistant United States Attorney

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7
8 Dated: June 15, 2023

/s/ Alekxia Torres-Stallings

Alekxia Torres-Stallings
Counsel for Miguel Martinez

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MIGUEL MAGANA MARTINEZ,

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CASE NO. 5:23-MJ-00021-CDB
ORDER

The Court has read and considered the parties' stipulation to continue the preliminary hearing and exclude time. The Court finds there is good cause for the continuance so as to allow the defense reasonable time for preparation and for the government's continuing investigation of the case. The Court also finds that the interests of justice served by granting the continuance outweigh the interests of the public and the defendant in a speedy trial. Fed. R. Crim. P. 5.1(d); 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

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Therefore, for good cause shown:

1. The preliminary hearing is continued from June 23, 2023, until **August 25, 2023, at 2:00 p.m. before Magistrate Judge Erica P. Grosjean**, and the defendant shall appear at that time before the Magistrate Judge on duty; and

2. The period from June 15, 2023, through August 25, 2023, shall be excluded.

IT IS SO ORDERED.

Dated: **June 15, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE